IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

LA.App. No. 1592 of 2007

LAR.150/2003 of SUB COURT, CHERTHALA
.....

APPELLANT/ RESPONDENT NO.2:

MANAGING DIRECTOR, KSIDC
REP. BY ASSISTANT GENERAL MANAGER, KSIDC
KESTON ROAD, KOWDIAR, THIRUVANANTHAPURAM.

BY ADV. SRI.JOBY CYRIAC, SC, KSIDC

RESPONDENTS/ CLAIMANTS AND R1:
----

1. **KRISHNAN, S/O.KUTTAN, VADAKKUPURATHU**
   PARAMBIL, PALLIPPURAM.

2. **STATE OF KERALA**
   REP. BY THE SPECIAL TAHSILDAR (LA)
   INDUSTRIAL GROWTH CENTRE, CHERTHALA.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2007, ALONG WITH L.A.A. NO. 1595/2007 & CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 1592, 1595, 1596 &
1598 OF 2007
&
C.M. Appln. Nos. 1957, 1960,
1961 & 1963 OF 2007

Dated this the 21st day of November, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M. Appln. Nos. 1957, 1960, 1961 & 1963/2007

These are petitions for condonation of delay. On merits it is seen that the appeals are filed by the requisitioning authority-KSIDC aggrieved by the fixation of land value by the reference court-Sub Court, Cherthala. Acquisition is for the purpose of Industrial Growth Centre at Pallippuram.

2. The Land Acquisition Officer awarded land value at the rate of Rs.3,189/- per cent. The reference court fixed the land value at Rs.7,003/- per cent. It is seen that the said value has become final in view of the judgment of this Court in L.A.A. No. 706/2006. Despite such a position, Sri. Joby Cyriac, learned counsel for the appellants vehemently contended that there is absolutely no discussion regarding the similarity and

comparability of the land covered in Exhibit A2, referred to in the relied on common judgment. But the fact remains that acquisition is for the same purpose and it is also covered by the same notification. Though the learned counsel prayed for a remand, with opportunity to the parties to adduce fresh evidence, we are afraid that the same will only be detrimental to the appellants, since in any case the reference court on such remand will be bound to take note of the potentiality for development of the land.

In that view of the matter, we do not think that this Court should interfere with these cases in view of the fact that the land value at the rate of Rs.7,003/- per cent has become final in the judgment of this Court in L.A.A. No. 706/2006. Therefore, the applications for condonation of delay and the appeals are dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NOs. 1592, 1595,
1596 & 1598 OF 2007

J U D G M E N T

21.11.2007